

REMARKS

Claim 1 has been amended by adding the substance of original Claim 2. This amendment specifies that the percentage of the polyester (I) is from 30 to 60% by weight and the percentage of the polyester (II) is 40 to 70% by weight.

The Office Action rejects the four earlier claims under 35 USC 102(b) as being anticipated by the Iwashita US 6,482,526 B2 (hereinafter Iwashita).

Applicants' claimed invention provides a product which avoids a difficulty in the prior art, namely, the deterioration of the exterior appearance of the can end after the can has been retorted. Applicants' claims specify a product having a specified composition comprising a polyester (I) and a polyester (II) and specifies that the polyester (I) is 30 to 60 wt% and the polyester (II) is in amount of 40 to 70 wt%. Applicants' claimed product also specifies that the amorphous polyester layer in the polyester film has a specified thickness and a half-time of crystallization of 40 seconds or smaller at 130°C and that the polyester film has a water vapor transmissivity of 100 g/m²/24 hr

or smaller. When these conditions are met, applicants' claimed can end when incorporated into a can which is retorted, avoids deterioration of the exterior appearance.

The invention of Iwashita is related to a film coated steel sheet exhibiting superior formability suitable for use in vigorous working such as drawing, deep drawing and drawing and stretch forming, however, there are not touched upon any consideration to be given to deterioration of exterior appearances caused by change of color (whitening) of film after retorting when applied to the exterior of a can.

Page 2 of the Office Action states that the Iwashita embodiment disclosed at column 6, lines 19-20 is a resin formed from blended resins of 60% by weight of polyester (I) and 40% by weight of polyester (II). Iwashita, column 6, lines 19-20 discloses a blended resin "with a ratio of 1 part, by weight, polyethylene terephthalate resin to 0.6 parts, by weight, polybutylene terephthalate resin". This translates to a resin having 62.5% by weight of polyester (I) and 37.5% by weight of polyester (II). Thus, the Iwashita example is outside of the ranges specified in amended claim 1 (which were earlier in original claim 2).

Applicants' specification, page 17, lines 16-20 explains why the upper limit of the polyester (I) should not exceed 60% by weight. The paragraph bridging pages 16 and 17 explains why the lower limit of the percentage range of the polyester (II) is 40% by weight. Thus, Iwashita's embodiment which is relied upon in the rejection has an amount of the polyester (I) higher than that specified in applicants' claims and an amount of the polyester (II) which is smaller than the amount specified in applicants' claims.

The rationale for the rejection is set forth on page 3 of the Office Action as follows:

"Although Iwashita does not specifically mention the half-life of crystallization or the vapor transmissivity, the copolyester resins 60% wt. ethylene terephthalate (30 to 60% wt. taught by applicant) and 40% wt. butylene terephthalate (40 to 70% wt. taught by applicant) are within the range of the claimed invention. Therefore, given that the resins taught by Iwashita are the same as those in the claimed invention such resins would be expected to have the same properties."

The rejection under 35 USC 102(b) is respectfully traversed on the ground that not only does Iwashita not disclose the half-life of crystallization or the vapor transmissivity specified in


applicants' claims, the Iwashita example disclosed in column 6, starting at line 18 is not within the range specified in applicants' claims.

It is further respectfully submitted that there are no teachings in Iwashita which would direct workers in this field to utilize a composition having ratios outside of those specified in applicants' claims and in a direction which applicants' specification discloses to provide inferior results. It is respectfully submitted that workers in this field reading Iwashita and attempting to provide a product having improved exterior appearance after retorting would not be led to applicants' claimed invention. The novelty and nonobviousness of applicants' claimed invention stands on the basis of applicants' examining for ways to suppress deterioration of exterior appearance after retorting and determining the mechanism of such deterioration and discovering the compositional and physical properties of a polyester film which, when used in applicants' claimed invention, suppresses the deterioration of the exterior appearance after retorting.

Reconsideration and allowance is solicited.

If the Examiner has any comments or suggestions, the Examiner is invited to telephone the undersigned.

Respectfully submitted,


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